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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,451	02/24/2004	James Babjak	4453-A1	8508

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EXAMINER

WUJCIAK, ALFRED J

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

10/785,451

Applicant(s)

BABJAK, JAMES

Examiner

Alfred Joseph Wujciak III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 21-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first Office Action for the serial number 10/785,451, HANGER APARATUS, filed on 2/24/04.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-20, drawn to apparatus, classified in class 248, subclass 303.
- II. Claims 21-25, drawn to method, classified in class 29, subclass 435.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case there are several ways of making the helix by using extrusion process, injection molding or metal stamping process.

During a telephone conversation with Michael Goltry on 1/6/04 a provisional election was made without traverse to prosecute the invention of apparatus, claims 1-20. Affirmation of this election must be made by applicant in replying to this Office action. Claims 21-25 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 2,835,465 to Patterson.

Patterson teaches a hanger apparatus (20) comprising a helix (21) having an anterior/first coil (facing toward opening of R) and a posterior/second coil (adjacent to element 22) and engagement means (22) carried by the helix. The apparatus includes at least one coil intermediate (located in the middle between anterior and posterior coil) the anterior coil and the posterior coil. The hanger assembly comprises a supporting substrate (R) having first (inner part of R) and second (outer surface of R) sides. The first coil is being received in juxtaposition with the first side of the substrate and the second coil being received in juxtaposition with the second side of the substrate. The first and second coils are mutually biased for compressively retaining the substrate therebetween.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson in view of US Patent # 1,264,677 to Murrell.

Patterson teaches a hanger apparatus (20) comprising a helix (21) having an anterior/first coil (facing toward opening of R) and a posterior/second coil (adjacent to element 22) and engagement means (22) carried by the helix. The apparatus includes at least one coil intermediate (located in the middle between anterior and posterior coil) the anterior coil and the posterior coil. The hanger assembly comprises a supporting substrate (R) having first (inner part of R) and second (outer surface of R) sides. The first coil is being received in juxtaposition with the first side of the substrate and the second coil being received in juxtaposition with the second side of the substrate. The first and second coils are mutually biased for compressively retaining the substrate therebetween.

Patterson teaches the coils but fails to teach the coils forming a frusto-conically tapered helix and the posterior coil having a larger diameter than the anterior coil. Furthermore, Patterson fails to teach the opening has a diameter smaller than the diameter of the posterior coil. Murrell teaches the coil (6) forming a frusto-conically tapered helix with the posterior coil having a larger diameter than the anterior coil. Furthermore, Murrell teaches the opening (figure 2) has a diameter smaller than the diameter of the posterior coil. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Patterson's coil with frusto-conically tapered helix and posterior coil having greater diameter than the diameter of opening as taught by Murrell to provide convenience for inserting the helix into a small diameter opening space and fit securely within with a larger diameter to prevent the helix

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from rotating and to keep engagement means aligned in perpendicular to the opening of substrate.

Claims 4-6 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson in view of US Patent # 4,955,862 to Sepetka.

Patterson teaches a hanger apparatus (20) comprising a helix (21) having an anterior/first coil (facing toward opening of R) and a posterior/second coil (adjacent to element 22) and engagement means (22) carried by the helix. The apparatus includes at least one coil intermediate (located in the middle between anterior and posterior coil) the anterior coil and the posterior coil. The hanger assembly comprises a supporting substrate (R) having first (inner part of R) and second (outer surface of R) sides. The first coil is being received in juxtaposition with the first side of the substrate and the second coil being received in juxtaposition with the second side of the substrate. The first and second coils are mutually biased for compressively retaining the substrate therebetween.

Patterson teaches the coils but fails to teach the coils are made of strand material. Sepetka teaches the coils (38) are made of strand material (39, col. 5, lines 35-40). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Patterson's coils with strand material as taught by Sepetka to increase flexible in the coils to provide convenience for adjusting the helix when inserting in the opening space or hole.

Claims 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson in view of US Patent # 903,067 to Engman.

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Patterson teaches the engagement means but fails to teach the engagement means include a hook. Engman teaches the engagement means (3) include a hook. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Patterson's engagement means with a hook as taught by Engman to provide convenience for removing resistor from a mounting plate without removing the screw.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson in view of Murrell and in further view of to Engman.

Patterson teaches the engagement means but fails to teach the engagement means include a hook. Engman teaches the engagement means (3) include a hook. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Patterson's engagement means with a hook as taught by Engman to provide convenience for removing resistor from a mounting plate without removing the screw.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson in view of Sepetka and in further view of to Engman.

Patterson teaches the engagement means but fails to teach the engagement means include a hook. Engman teaches the engagement means (3) include a hook. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Patterson's engagement means with a hook as taught by Engman to provide convenience for removing resistor from a mounting plate without removing the screw.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent # 1,966,520 to Rayner

US Patent # 3,983,736 to King, Jr.

US Patent # 4,536,115 to Helderman

US Patent # 4,635,337 to Helderman

US Patent # 4,309,135 to Gutshall

US Patent # 5,006,023 to Kaplan

US Patent # 5,366,328 to Helderman

Rayner, King, Jr., Helderman, Gutshall and Kaplan teach helix for securing a fastener.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III

Examiner

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A handwritten signature in black ink, appearing to read 'A. Joseph Wujciak III', written over the printed name and unit.

1/6/05